

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff- Appellee,

v

WALLACE SCOTT BRIDGES,

Defendant- Appellant.

UNPUBLISHED

May 19, 1998

No. 200900

Recorder's Court

LC No. 91-000838

Before: Bandstra, P.J., and MacKenzie and N.O. Holowka*, JJ.

MEMORANDUM.

Defendant pleaded guilty to possession with intent to deliver less than fifty grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv), and on September 19, 1991, he was sentenced to lifetime probation, as authorized by MCL 771.1(4); MSA 28.1131(4). Two adjudications of probation violation produced no change in his status; defendant was continued on lifetime probation. On August 22, 1996, defendant was convicted of violation of probation for failure to report, and he now appeals by right his sentence of lifetime probation, with nine months to be served in the county jail. He contends that the incarcerative portion of his new probationary sentence is disproportionate to the offense and the offender. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We have reviewed the record in this case and conclude that the trial court did not abuse its discretion in sentencing defendant. *People v Williams*, 223 Mich App 409, 410-412; 566 NW2d 649 (1997). In light of defendant's repeated failure to adhere to the terms of his probation, we conclude that the sentence is proportionate to the circumstances surrounding this offense and this offender. *Id.* at 411-412.

It should further be noted that the nine-month jail term was imposed on October 10, 1996, and by now must have long since been served. Accordingly, this appeal is, in any event, moot. *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994).

* Circuit judge, sitting on the Court of Appeals by assignment.

We affirm.

/s/ Richard A. Bandstra
/s/ Barbara B. MacKenzie
/s/ Nick O. Holowka